

**REMARKS**

Claims 1 and 70 have been amended to clarify the invention, and to better define the invention over the prior art. Claim 127 was amended to obviate the Examiner's 112 rejection. No new matter has been entered by any of the foregoing amendments.

Considering first the double patenting rejection of claims 1, 53, 86, 88, 90-100, 102, 103-110, and 112-126, a Terminal Disclaimer accompanies this amendment.

The rejection of claim 127 under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement, is considered moot in light of the foregoing amendments.

Turning to the art rejections, and considering first the rejection of claims 1, 70, 93-95, 97-100, 104, and 108 under 35 U.S.C. § 103(a) as being unpatentable over Altobelli (U.S. Patent 5,683,406) in view of Ebner (U.S. Patent 6,110,177), claim 1, as amended, in part requires a surgical device "wherein the second end [of the blade] includes a stop mechanism to restrict linear travel of the blade relative to the collection chamber in the direction of the end wall." Neither of the prior art references teach this feature. The Examiner admits that Altobelli does not teach a stop mechanism. Ebner teaches a handle with a pair of detents for engaging a tab at a second end of the blade to prevent the blade from lateral movement in a direction away from the end wall. See Fig. 2C. However, the stop mechanism of claim 1 is structurally and functionally different, and in particular prevents lateral movement of the blade relative to the collection chamber in the direction of the end wall.

Claim 70 requires, in part, a surgical device "wherein the second end has a stop mechanism that works in connection with the outwardly extending lobes to limit linear travel of the blade when coupled to a cooperating collection chamber." In the present application, the stop mechanism, in connection with the force on the at least one lobe, prevents the lateral

**HAYES SOLOWAY P.C.**  
3450 E. SUNRISE DRIVE,  
SUITE 140  
TUCSON, AZ 85718  
TEL. 520.882.7623  
FAX. 520.882.7643

175 CANAL STREET  
MANCHESTER, NH 03101  
TEL. 603.668.1400  
FAX. 603.668.8567

movement of the blade (in either direction) when coupled to the collection chamber. Ebner teaches a handle with detents that prevent the movement of the blade in one direction, but not the other. Therefore, no combination of Ebner and Altobelli would achieve or render obvious claims 1 or 70 or any claims that depend thereon.

Turning to the rejection of claims 86 and 92 under 35 U.S.C. § 103(a) as being unpatentable over Altobelli in view of Hutson (U.S. Patent 3,299,511), claims 86 and 92 depend directly upon claim 1. The deficiencies of Altobelli vis-à-vis independent claim 1 are discussed above. Hutson does not overcome these deficiencies. Hutson is a dental aspirator i.e. a suction tool for saliva, with a swivel joint that rotates about one axis. Applicant's claimed invention is a surgical cutting tool, i.e. for bone harvesting. Neither is it seen that Hutson teaches a *rotating* swivel joint is "*flexibly* attached," as required by claim 86, or a "*flexible or bendable* joint," as required by claim 92. The word "flexible" does not describe a swivel joint. Thus, no combination of Altobelli and Hutson can render obvious either of claims 86 or 92.

Turning to the rejection of claim 102 under 35 U.S.C. § 103(a) as being unpatentable over Altobelli in view of Wagner (U.S. Patent 6,099,311), claim 102 depends directly upon claim 1. The deficiencies of Altobelli vis-à-vis independent claim 1 are discussed above. Wagner does not overcome these deficiencies. Moreover, Wagner teaches a dental implant delivery device with a ball and socket joint. It is not seen that the combination of a dental implant delivery device with a surgical device for bone harvesting would be obvious to one having skill in the art at the time of the invention. Thus, no combination of Altobelli and Wagner can render obvious claim 102.

The indicated allowability, over the art, of claims 111 and 127 is noted, with thanks. However, it is believed that all of the pending claims are allowable over the art.

HAYES SOLOWAY P.C.  
3450 E. SUNRISE DRIVE,  
SUITE 140  
TUCSON, AZ 85718  
TEL. 520.882.7623  
FAX. 520.882.7643

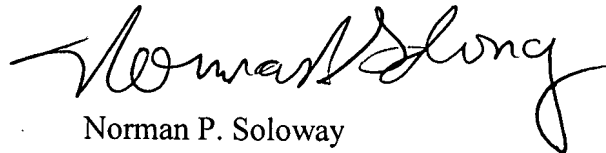
175 CANAL STREET  
MANCHESTER, NH 03101  
TEL. 603.668.1400  
FAX. 603.668.8567

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

Form PTO-2038 authorizing credit card payment in the amount of \$125.00 to cover the cost of the Petition for One Month Extension and Terminal Disclaimer accompanies this Amendment.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

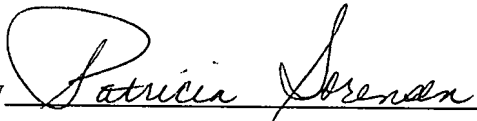
Respectfully submitted,



Norman P. Soloway  
Attorney for Applicant  
Reg. No. 24,315

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 19, 2007, at Tucson, Arizona.

By 

NPS:ram:ps

**HAYES SOLOWAY P.C.**  
3450 E. SUNRISE DRIVE,  
SUITE 140  
TUCSON, AZ 85718  
TEL. 520.882.7623  
FAX. 520.882.7643

175 CANAL STREET  
MANCHESTER, NH 03101  
TEL. 603.668.1400  
FAX. 603.668.8567